

**TOWN PLAN AND ZONING
COMMISSION**

Issued: January 9, 2019

**TOWN PLAN AND ZONING COMMISSION REGULAR MEETING
MONDAY, JANUARY 7, 2019
LEGISLATIVE CHAMBER, ROOM 314
TOWN HALL, WEST HARTFORD, CT 06107**

DRAFT MINUTES

ATTENDANCE: Chair: Kevin Ahern; Vice Chair: Kevin Prestage; Commissioners: John O'Donnell, Michele Maresca, Liz Gillette; Staff: Todd Dumais, Town Planner; Catherine Dorau, Associate Planner; Pat Alair, Corporation Counsel; Gina M. Varano, Assistant Corporation Counsel

ABSENT: Alternates: Gordon Binkhorst, Andrea Gomes, Ryan Langan

CALL TO ORDER/ROLL CALL: 7:00 P.M.

MATTERS FOR PUBLIC HEARING SHALL BE CALLED AT 7:15 P.M.

MINUTES:

1. Approval of Minutes:
 - a. Minutes of the Regular Meeting, Monday, December 3, 2018
Motion/Gillette; Second/Prestage; Vote 3-0 (Ahern, Prestage, Gillette)

COMMUNICATIONS:

- 2a. **TPZ / IWWA 2018 Annual Report** – Communication from the TPZ/IWWA on the Draft 2018 Annual Report of activities of the Commission/Agency to the Town Council. *Received.*
- 2b. **56 Hunter Drive-** Applications (IWW #1093 and IWW #1094), request by David Whitney, P.E., on behalf of Taylor and Paige Scyocurka (R.O.), to open and immediately continue the public hearing without testimony to the February 4, 2019 meeting. *Received.*

NEW BUSINESS:

4. **1445-1459 New Britain Avenue (Edge Fitness Club)-** Application (SUP #1332) of FW-CT-Corbins Corner Shopping Center, LLC (R.O.) (Robin Pearson, Attorney) requesting Special Use Permit approval pursuant to Section 177-37.1 to permit 24 hour of operation a proposed personal service establishment known as Edge Fitness Club. (Submitted for TPZ receipt on January 7, 2019. Suggest required public hearing be scheduled for February 4, 2019.)



TOWN OF WEST HARTFORD

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The TPZ acted by **unanimous vote (5 -0)** (*Motion/Maresca; Second/O'Donnell*) to schedule this matter for public hearing on **Monday, February 4, 2019 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.**

OLD BUSINESS:

5. **27 Park Road and 14 Ringgold Street** - Application (IWW #1090) of Lex-Laz West Hartford, LLC (Contract Purchaser) (Robin Pearson, Attorney) requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities in close proximity to and within an upland review area. The applicant contemplates the redevelopment of the Sisters of Saint Joseph site to construct a new residential multifamily apartment building along with associated parking, site grading, drainage, and landscape improvements. (Submitted for IWWA receipt on November 7, 2018. Determined to be potentially significant and scheduled for public hearing on December 3, 2018. Per applicant's request, hearing opened and immediately continued to January 7, 2019.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, and the public hearing record the IWWA acted by **unanimous vote (4-0)** (*Motion/Prestage; Second/Gillette*) to **CONDITIONALLY APPROVE** the proposed regulated activity and to direct that a wetland permit to be issued. During its discussion and deliberation on this matter, the Agency made the following findings:

27 PARK ROAD AND 14 RINGGOLD STREET
INLAND WETLAND APPLICATION IWW#1090
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at 27 Park Road and 14 Ringgold Street in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1090** should be approved as the Standards and Criteria for Decision as set forth in the Inland Wetlands and Watercourses Regulations for the Town of West Hartford in Section 10.2 have been favorably met. During its discussions and deliberations on this matter, the agency made the following findings:

[1.] The environmental impact of the proposed regulated activity on wetlands or watercourses will not be so significant as to warrant the denial of this application. To support this action, the applicant's professional soil scientist, dean Dean Gustafson of All-Points Technology Corporation, P.C., has submitted a report dated October 26, 2018 and addendum dated January 7, 2019.

[2.] The applicant's purpose for the proposed regulated activity is a valid and useful one which alternatives would cause less or no environmental impact to wetlands or watercourses;

[3.] The feasible and prudent alternatives to the proposed activity have been analyzed by the applicant and the proposed activity is likely to cause less or no environmental impact to wetlands or watercourses than those alternatives.

[4.] The short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses are not to be so significant as to warrant denial of this application.

[5.] The long term productivity of the wetlands or watercourses will not be damaged by the approval of this application;

[6.] The proposed regulated activity will not cause irreversible and irretrievable loss of wetland or watercourse resources.

[7.] The proposed regulated activity neither threatens nor impacts the safety, health or reasonable use of property; and

[8.] The proposed regulated activity and future activities associated with or reasonably related to, the proposed regulated activities which are made inevitable by the proposed regulated activity will not have significant impacts on wetlands or watercourses outside the area for which the activity is proposed.

In addition the Agency considered measures which would mitigate the impact of the proposed activity and may be imposed as conditions of the permit. Such measures include the availability of further technical improvements or safeguards which could feasibly be added to the plan or action to avoid the reduction of or damage to the wetland's or watercourses natural capacity to support desirable biological life, prevent flooding, supply water, control sedimentation and/or prevent erosion, assimilate wastes, facilitate drainage, and provide recreation and open space. The Agency renders its decision to issue this permit on the following considerations and criteria:

- A. That the natural functions and quality of water in local drainage systems both on and off-site shall be preserved and maintained.
- B. That the overall impact of this development on the environment will be kept to a minimum if the conditions imposed by this permit are carried out by the applicant.
- C. There are no reasonable and prudent alternatives which will allow the same activity to be carried out on the proposed site.
- D. During the period when this permit remains in force, the applicant and the Inland Wetland and Watercourses Agency will be working together in good faith to resolve any matters that may arise relative to the environmental impact on the community due to the activities of the applicant.

The Agency hereby authorizes the applicant to conduct a series of regulated activities on a parcels of land which falls under the jurisdiction of the Inland Wetlands and Watercourse Act of the Connecticut General Statutes and the Inland Wetlands and Watercourses Regulations of the Town of West Hartford. Said parcels of land are located at 27 Park Road and 14 Ringgold Street.

This permit is issued and made subject to the following conditions:

- 1) Plans of record are incorporated by reference in this permit as fully set forth herein.
- 2) The applicant shall file a performance bond or other acceptable surety in the amount of the estimated cost of the project's, environmental controls, including soil and erosion controls, and site drainage prior to the commencement of any site work and the issuance of building permits to ensure completion of the project as proposed to the IWWA in the official record documents, drawings and exhibits. The bond shall also guarantee corrections of any adverse effects such as siltation occurring downstream. This performance bond shall remain in force and effect until all required improvements are completed and installed.
- 3) Before filing the bond with the IWWA as provided above, the applicant shall submit to the Town Planner, for review of approval by the Town Engineer, a cost estimate for all required improvements to be covered by said bond, prepared by a professional engineer. The cost estimate shall be based on unit costs established by the Town Engineer. Together with the filing of said bond with the Agency, the applicant shall submit two (2) copies of the approved estimate as approved by the Town Engineer.
- 4) The applicant shall retain a professional soil scientist to oversee and review all streambank stabilization, planting and enhancement work in the wetland and compensatory flood storage areas. The professional soil scientist shall provide yearly reports to the Town Planner for a period of three years following the completion of the initial work. Said report shall, at a minimum, provide for an assessment of the streambank stabilization and plantings and identify any corrective actions required.
- 5) Town Planning and Engineering Divisions shall receive copies of all material transmitted by the applicant to the Connecticut Department of Energy and Environmental Protection (DEEP).
- 6) The wetland permit is subject to full compliance with the Town erosion and sediment requirements and the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.
- 7) A final landscape maintenance plan shall be submitted to the Town Planner for review and approval prior to the completion of all work. Said plan shall prohibit the use of pesticides and herbicides for the lawn and no-mow areas between the parking areas and watercourse. Efforts shall be made to include best management practices and alternatives to the use of fertilizers for the lawn and no-mow areas.
- 8) This IWWA permit approval shall be stripped onto the final set plan.

SPECIAL SITE DEVELOPMENT AND EROSION CONTROL CONDITIONS

An integral requirement of this approval is the early installation and construction of all drainage facilities, and all needed erosion and sedimentation control measures. Prior to the start of any construction, related to on-site improvements, site grading or unit construction, the applicant shall install the needed protective measures and shall continuously maintain such throughout the construction process. The requirement of Article VIII, at Section 177-60 through 177-67 of the Code of Ordinances related to Erosion and Sedimentation Control shall govern all site construction activity.

In addition to the above basic requirements, this permit is issued and made subject to the following conditions:

- 1) The applicant shall retain a professional engineer to inspect/oversee construction and the installation/maintenance of the sedimentation and control measures. Inspection shall occur weekly and after each rainstorm and during major storm events to determine all sedimentation and erosion control measures are adequately in place and effective. Weekly inspection reports shall be provided to the Town Planner and Town Engineer.
- 2) Site disturbance and/or the removal of topsoil will not be permitted until the required siltation/erosion control devices have been installed and inspected by the applicant's engineer. The applicant's engineer shall certify that all erosion and sedimentation controls have been installed according to the approved plan and submit written confirmation to the Town Planner.
- 3) Disturbed areas shall be limited to the minimum area necessary to complete each phase of construction activity.
- 4) The stockpiling of materials shall be limited to only that which is generated onsite and shall be limited to location(s) approved by the Town Planner.
- 5) No unnecessary encroachments of construction equipment or vehicles shall be permitted in non-construction areas. Vehicular access to undisturbed areas of the site is restricted to the minimum necessary to complete erosion control and drainage systems.
- 6) Filters or hay bales shall be installed around all catch basins inlet grates.
- 7) During construction, outlets of the drainage system shall be protected by hay bale filtration screens or splash pools.
- 8) Additional information shall be provided to the Town Engineering regarding the process for the cleaning of the sediment /stilling basins or sediment traps. All accumulated sediment shall be removed on a regular basis.
- 9) In addition to the measures shown on the plans, additional erosion and sedimentation control measures shall be installed when determined necessary by the Director of Community Development Services, or his designee.

- 10) The placement and maintenance of hay bales, sediment screens and other erosion and sediment control measures must meet or exceed specifications set forth in 2002 Connecticut

Guidelines for Soil Erosion and Sediment Control, by the Connecticut Council on Soil and Water Conservation.

- 11) The permit shall expire if not exercised within five (5) years from the date of issuance, or date of final resolution of any legal action challenging this permit.
- 12) This permit shall not be assigned, transferred, sublet or sold to any other person without written permission of the Agency.

6. **56 Hunter Drive-** Application (IWW #1093) of David Whitney, P.E. on behalf of Taylor and Paige Scyocurka (R.O.) requesting approval of a map amendment to the Official Inland Wetlands and Watercourses Map of the Town of West Hartford. The proposed amendment is based on an onsite soil survey prepared by a professional soil scientist. (Submitted for IWWA receipt on November 7, 2018. Required public hearing scheduled for January 7, 2019. *Note: Per communication item #3, applicant has requested that the hearing be opened and immediately continued without testimony to February 4, 2019.*)

Per applicant's request, public hearing opened and immediately continued to February 4, 2019. Motion/Maresca; Second/Gillette; Vote 4-0.

7. **56 Hunter Drive-** Application (IWW #1094) of David Whitney, P.E. on behalf of Taylor and Paige Scyocurka (R.O.) requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities, which may have an adverse impact on a wetland and watercourse area. The applicant proposes to demolish the existing residence, construct a new approximately 3,484 s.f. single-family dwelling with attached garage and perform associated site improvements, including an in-ground pool all within the upland review area. (Submitted for IWWA receipt on November 7, 2018. Determined to be potentially significant and set for public hearing on January 7, 2019. *Note: Per communication item #3, applicant has requested that the hearing be opened and immediately continued without testimony to February 4, 2019.*)

Per applicant's request, public hearing opened and immediately continued to February 4, 2019. Motion/Maresca; Second/Gillette; Vote 4-0.

TOWN COUNCIL REFERRALS:

8. **27 Park Road and 14 Ringgold Street-** Application on behalf of LEX-LAZ West Hartford, LLC, to amend Special Development District #145 to redevelop the site at 27 Park Road and 14 Ringgold Street to construct a new building and renovate portions of the existing buildings, along with associated parking, site amenities, grading, drainage, and landscape improvements

to accommodate 294 new apartments and maintain the existing 36 residential units for the Sisters of Saint Joseph. (Town Council receipt on November 13, 2018. TPZ receipt on January 7, 2019. Town Council public hearing scheduled for January 8, 2019.) **Recommend**

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by unanimous vote (4-0) (Motion/Maresca; Second/Prestage) to **RECOMMEND APPROVAL** of the subject application finding the request consistent with the Plan of Conservation and Development.

During its discussion and deliberation on this matter, the Commission made the following findings which it has prepared for the Council's consideration:

1. The proposed architectural and site plan changes are superior to the previously approved application. In particular, the Commission notes that the changes and reduction in building mass around the Chapel, help to better showcase this important feature of the site.
2. The additional residential units and building placement will help enhance the Park Road and Prospect Avenue intersection making it a more walkable and vibrant streetscape and neighborhood.

9. **Ordinance Permitting Accessory Apartments in One-Family Residence Districts-** (Town Council receipt on December 11, 2018. TPZ receipt on January 7, 2019. Town Council public hearing scheduled for January 22, 2019.)

After a detailed review of the proposed ordinance, the TPZ acted by unanimous vote (5-0) to **RECOMMEND DENIAL** of the subject ordinance.

During its discussion and deliberation on this matter, the Commission made the following findings which it has prepared for the Council's consideration:

1. On its surface, this ordinance appears to propose a small change to permitted accessory uses. However, upon more careful review, it is the opinion of the Commission, that as a whole, the ordinance represents a significant town wide impact effectively changing all single-family zoning districts into limited two-family districts.
2. The ordinance, as drafted, appears too permissive. More specifically, no restrictions on the total number of bedrooms and no restrictions or standards for the type of occupancy permitted are included in the ordinance.
3. It is the opinion of the Commission that this ordinance, as drafted, has the potential to create an administrative and enforcement burden on Town staff.

4. Given the potential town wide impact of this ordinance, the Commission, in its role as the planning commission, believes that this type of change should be reviewed and considered as part of the Plan of Conservation and Development update before it is taken up by the Council.

TOWN PLANNER'S REPORT:

INFORMATION ITEMS:

10. **567 Fern Sreet - Fernridge Park** – Notification of emergency wall repair for collapsing wall along Trout Brook.

REMINDER OF FUTURE TPZ REGULAR AND SPECIAL MEETINGS:

- TPZ Regular Meeting, Monday, February 4, 2019 @ 7:00 P.M.
- TPZ Regular Meeting, Monday, March 4, 2019 @ 7:00 P.M.
- TPZ Regular Meeting, Monday, April 1, 2019 @7:00 P.M.

“Any individual with a disability who needs special assistance to participate in the meeting should contact Suzanne Oslander, Department of Social Services, 860.561.7580, seven days prior to the meeting.”

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